

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JERMAINE LONNIE BAINES,)	
)	
Petitioner,)	
)	1:16CV33
v.)	1:13CR255-2
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on June 16, 2020, was served on the parties in this action. Petitioner objected to the Recommendation [Doc. #195].

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation [Doc. #190].

IT IS THEREFORE ORDERED that the stay in this matter be **LIFTED**, that Petitioner's motion to vacate, set aside or correct sentence [Doc. #101], motion to remand [Doc. #143], motion to dismiss indictment and void the judgment [Doc. #144], and motion entitled "Affidavit for Entry of Default Judgment" [Doc. #147] all be **DENIED** and that judgment be entered dismissing the action. A judgment dismissing this action will be entered contemporaneously with this Order. Finding

no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 2nd day of September, 2020.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge